IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5574 of 2007()

CRIME NO. 261/07 OF CHERPULASSERY POLICE STATION
CMP.5794/2007 of J.M.F.C.,OTTAPPALAM

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PETITIONER : ACCUSED NO.4

AMALRAJ, S/O. BABURAJ
AMBADATHU VEEDU
KODAKARA, KOPRAKALAM,
THRISSUR

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA REP: BY
THE SUB-INSPECTOR OF POLICE
CHERPULASSERY POLICE STATION -
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 5574 of 2007

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Dated this the 17th day of September, 2007

O R D E R

Application for regular bail. The petitioner faces allegations, inter alia, under Section 395 I.P.C. The earlier application filed by the petitioner was dismissed as per common order dt. 24.8.2007 in B.A. 5167 of 2007. I have already adverted to facts in detail in that order. This order is to be read in continuation of that order. I am hence not adverting to facts in any greater detail.

2. The petitioner is a person aged about 21 years. Admittedly there is no history of any criminal antecedents against him. The crux of the allegations is that he is one of the conspirators along with the principal accused and he has hired a car to facilitate the crime. He has followed the other miscreants in another car, though he did not have any actual role in the apprehension of the victims and the robbery committed. It is alleged that the petitioner was actively involved in the planning and commission of the crime. The petitioner was arrested on 22.7.07 and he continues in custody from that date.

3. The learned counsel for the petitioner submits that even accepting the entire allegations, a lenient view may be taken and the petitioner, a person aged about 21 years and has no criminal antecedents in the past, may now be enlarged on bail. He submits that some of the co-accused in the case have already been enlarged on bail.

4. The learned Prosecutor opposes the application. He asserts that a very serious view is liable to be taken in a crime like the instant one. The petitioner may not, in these circumstances, be enlarged on bail at this stage, urges the Prosecutor.

5. I have considered all the relevant inputs. Notwithstanding the opposition of the learned Prosecutor, I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

6. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon. on all Mondays, Wednesdays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

© The petitioner shall not leave the jurisdiction of Cherpulasserry police station during the said period of three months without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

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